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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,199	11/03/2003	Todd A. Williams	12,458	3514

7590 03/30/2006
William W. Haefliger
201 South Lake Ave., #512
Pasadena, CA 91101

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,199	Applicant(s) WILLIAMS ET AL.	
	Examiner Shay L. Balsis	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of figure 9 in the reply filed on 2/6/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

The disclosure is objected to because of the following informalities:

Page 5, lines 11-12 state that "Fig. 15 is a frontal view of the Fig. 15 assembly;" however, this is incorrect since Fig. 15 cannot be a frontal view of the same figure it is describing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4, 10, 12-14, 18-30, 36 and 39 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is an apparatus claim that is dependent from claim 3, which is a method claim. This is improper and needs to be corrected. It is suggested to change the dependency to claim 13.

Claims 18 and 19 are method claims, which depend from apparatus claims. This is improper and needed to be corrected. It is suggested to change the preamble to read ---The apparatus--- rather than "The method".

Claim 36 is an apparatus claim, which depends from a method claim. This is improper and needed to be corrected. It is suggested to change the preamble to read ---The method--- rather than "The apparatus".

Claims 2 and 12 recites the limitation "the mop head" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 10-13, 15-18, 20 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul (USPN 2133148).

Paul teaches a mop with a scrubbing attachment device (41, 42, 51). The device is attached to the mop for scrubbing presentation to the surface to be scrubbed (figure 1). The mop has a handle (11) and the handle is manipulated to exert force so that the attachment clamps to

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the mop head. The device is provided with a tongue (42) to be positioned and clamped between the mop handle and the mop head (35). The device is provided with a section (51) carrying floor scrubbing elements (41). There are some elements facing a first direction and other elements facing a second direction (applicant does not state that first and second directions are different). The bristles are fused to a base defined by the device. The section carrying the elements is hinged (54, 50) operatively to the tongue. The device is provided in the form of sheets that in cross-section defines a bend, whereby a first portion (56) of the sheet defines or carries a floor scrubber, and a second portion of the sheet defines a tongue (44, 48) extending at an angle to the first portion, the tongue configured to receive the clamping force, the first portion of the sheet configured to extend adjacent the mop strands (figure 1).

Claims 1-9, 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulman (USPN 2196365).

Schulman teaches a mop with a scrubbing attachment device (1). The device is attached to the mop for scrubbing presentation to the surface to be scrubbed (figure 1). The mop has a handle (4) and the handle is manipulated to exert force so that the attachment clamps to the mop head. The device is provided with a tongue (1) to be positioned and clamped between the mop handle and the mop head (6). The device is provided with a section (surface which 19 and 20 are attached to) carrying floor scrubbing elements (19, 20). There is a first section facing a first direction and a second section facing a second direction. There are a certain number of elements attached to the first section projecting in a first direction and a number of elements attached to the second section projecting in a second direction (figure 2). All the elements comprise bristles

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(19, 20). The bristles are fused to first and second sections. The tongue defines a hole to pass the handle end (2).

Claims 1-8, 11-18, 21-22, 24-26, 31-37 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Jannicelli, Jr. (USPN 6353960).

Jannicelli teaches a mop with a scrubbing attachment device apparatus (72). The device is attached to the mop for scrubbing presentation to the surface to be scrubbed (figure 7, 8). The mop has a handle (figure 7) and the handle is manipulated to exert force so that the attachment clamps to the mop head. The device is provided with a tongue (clamp device shown in figure 7 and 8) to be positioned and clamped between the mop handle and the mop head (figure 10). The tongue defines a hole to pass the handle end through (figure 8, small opening in 78). The device is provided with floor scrubbing elements such as bristles (figure 7 and 8) attached to a base. There are some elements facing a first direction and other elements facing a second direction (applicant does not state that first and second directions are different). The bristles are fused to the base defined by the device. There are two holes of different sizes associated with the tongue to selectively register with different mop handles (first hole is hole in 78 and second hole is hole which holds 78) (col. 6, lines 27-37). The attachment has an adaptor defining a first through hole and the tongue defines a second through hole. The holes are different sizes. The adaptor is an elastomeric material comprising a slit (80) to accommodate various size handles, therefore when a larger handle is inserted into the hole, the elastomeric material is going to expand creating a living hinge in the elastomer. The apparatus includes a section carrying a base with scrubbing elements (brush in figure 8), wherein the section with the base is hinged operatively to the tongue (76). The attachment device is defined by projections and apertures. The projection is

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located on the base and the aperture is located on the tongue. The projection and aperture are connected by means of a hinge (76; figure 8).

Claims 1-2, 5, 11-12, 15 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (USPN 5940924).

Williams teaches mop (12) with a surface scrubbing capability (22) comprising a surface scrubbing device (col. 4, lines 37-42). The device has an attachment for rigid connection (24) to the mop. The mop includes a handle (14) and the attachment is clamped to the mop near the mop head (24, 16, 20). The attachment device comprises projecting scrubbing elements (col. 4, lines 37-42). The apparatus comprises a claw (24) associated with the mop handle, which clamps to the attachment device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jannicelli, Jr.

Jannicelli teaches all the essential elements of the claimed invention however fails to teach that the hinge between the section carrying the scrubbing elements and the tongue is a living hinge. It would have been obvious to modify Jannicelli's existing hinge and replace it with a living hinge because Applicant has not disclosed that a living hinge provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a

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hinge as taught by Jannicelli or the claimed living hinge because both hinges perform the same function of allowing the two elements to flex and bend with respect to each other. Therefore, it would have been obvious to one of ordinary skill in the art to modify Jannicelli to obtain the invention as specified in claim 23.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jannicelli, Jr.

Jannicelli teaches all the essential elements of the claimed invention however fails to teach that the plate or base portion has a length between one and fifteen inches. It would have been obvious to modify the length of Jannicelli so that it is between one and fifteen inches since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device (MPEP 2411.04).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jannicelli, Jr.

Jannicelli teaches all the essential elements of the claimed invention however fails to teach that the scrubber carrier has a weight between 1 oz and 32 oz. It would have been obvious to modify the weight of Jannicelli so that it is between one and thirty-two ounces since the only difference between the prior art and the claims is a recitation of relative mass of the claimed device. A device having the claimed relative mass would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device (MPEP 2144.04). Additionally, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (MPEP 2144.05).

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SLB
3/23/06


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